BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20882 of 2022

M.Gopal ... Petitioner

Vs

1.The District Revenue Officer,
Office of the District Revenue Officer,
Theni Collectorate,
Theni Post,
Theni District.

2.The Inspector of Police,
Civil Supplies CID Uthamapalayam Police Station,
Uthamapalayam Post,
Theni District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to release petitioner Mahindra Jeep Maxx (Four Wheeler) vehicle bearing Registration No.KL~05~Q~1792 on the basis of petitioner-s representation, dated 25.08.2022 within the time stipulated by this Court.

For Petitioner : Mr.M.Karuppasamy Pandian
For Respondents : Mr.M.Prakash
Additional Government Pleader for R.1

Mr.R.Sivakumar
Government Advocate (Criminal Side) for R.2

ORDER

Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned Government Advocate (Criminal Side) appearing for the second respondent.

2. The petition mentioned vehicle was seized in connection with Crime

No.58 of 2022 registered on the file of the second respondent.
3. The petition mentioned vehicle is presently in the custody of the second respondent. The vehicle is said to have been used for illegally transporting PDS rice.
4. It is of course open to the respondent authority to initiate confiscation proceedings. In this case we are concerned only with the issue of granting interim custody of the vehicle to the petitioner.
5. No purpose will be served in keeping the vehicle under the custody of the respondents. The Hon-ble Supreme Court in the decision reported in (2002) 10 SCC 283 (Sunderbhai Ambalal Desai and Others V. State of Gujarat) has held as follows:~

?17.In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond
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For Petitioner : Mr.M.Karuppasamy Pandian
For Respondents : Mr.M.Prakash
Additional Government Pleader for R.1

Mr.R.Sivakumar
Government Advocate (Criminal Side) for R.2

ORDER
Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned Government Advocate (Criminal Side) appearing for the second respondent.
2. The petition mentioned vehicle was seized in connection with Crime No.58 of 2022 registered on the file of the second respondent.
3. The petition mentioned vehicle is presently in the custody of the second respondent. The vehicle is said to have been used for illegally transporting PDS rice.
4. It is of course open to the respondent authority to initiate confiscation proceedings. In this case we are concerned only with the issue of granting interim custody of the vehicle to the petitioner.
5. No purpose will be served in keeping the vehicle under the custody of the respondents. The Hon-ble Supreme Court in the decision reported in (2002) 10 SCC 283 (Sunderbhai Ambalal Desai and Others V. State of Gujarat) has held as follows:~

?17.In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.
6. Therefore, the second respondent is directed to grant interim custody of the said vehicle to the petitioner subject to the following conditions:~

a)The petitioner shall pay a sum of Rs.5,000/~ towards cost in the bank account of Madurai Bench of Madras High Court Advocates Welfare Fund Trust (Account No.7087208431, IDIB000H040, Indian Bank, Madurai Bench of the Madras High Court Branch). It will be a non~refundable payment. The Trust shall utilise the said amount for the legal education of any law student belonging to Scheduled Caste community.
b)The petitioner shall not alienate or encumber the vehicle till the proceedings are completed.
c)The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.
d)As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.
7.Upon completion of these formalities, the respondents shall grant interim custody of the vehicle forthwith to the petitioner without any delay.

If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim custody of the vehicle in future. The Writ Petition is allowed accordingly. I make it clear that allowing of this writ petition will not have any bearing on the confiscation proceedings that may be initiated by the authorities. No costs.

02.09.2022
Index : Yes / No
Internet : Yes/ No
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Note: Issue Order Copy on 05.09.2022.

To

1.The District Revenue Officer,
Office of the District Revenue Officer,
Theni Collectorate,
Theni Post,
Theni District.

2.The Inspector of Police,
Civil Supplies CID Uthamapalayam Police Station,
Uthamapalayam Post,
Theni District.

G.R.SWAMINATHAN, J.

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